

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CARL DEAN EDWARDS,

Plaintiff,

vs.

JOHN CASEL, *et al.*,

Defendants.

Case No. 2:10-cv-0973-RLH-GWF

**REPORT & RECOMMENDATION**

*In Forma Pauperis* Application (#1)

On June 18, 2010, Plaintiff filed his Application to Proceed *In Forma Pauperis*. (#1). The Court denied Plaintiff's *in forma pauperis* application, finding it did not meet the specific requirements of 28 U.S.C. § 1915 because Plaintiff's financial disclosure fails to state his last date of employment and the amount of his last salary. (#4). In addition, Plaintiff failed to submit a certified copy of his prisoner trust fund account statement for the previous six months as required by 28 U.S.C. § 1915(a)(2). (*Id.*) The Court held that Plaintiff's application to proceed *in forma pauperis* is incomplete.

As a result, the Court granted Plaintiff leave to reapply to proceed *in forma pauperis* within 30 days. (*Id.*) Furthermore, the Court notified Plaintiff that failure to resubmit his application by March 3, 2011 might result in this action being dismissed with prejudice. (*Id.*) To date, Plaintiff has failed to reapply to proceed *in forma pauperis* and the time allotted has expired. As a result, the Court will recommend that this action be dismissed with prejudice. Accordingly,

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Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

*George Foley Jr.*  
**GEORGE FOLEY, JR.**  
**UNITED STATES MAGISTRATE JUDGE**